

CONVEY CERTAIN LAND WITHIN THE CARSON NATIONAL  
FOREST, N. MEX., TO JOSE C. ROMERO

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DECEMBER 1 (legislative day, NOVEMBER 18), 1943.—Ordered to be printed

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Mr. HATCH, from the Committee on Public Lands and Surveys,  
submitted the following

## REPORT

[To accompany S. 1488]

The Senate Committee on Public Lands and Surveys, to whom was referred the bill (S. 1488) to authorize the Secretary of Agriculture to convey to Jose C. Romero all right, title, and interest of the United States in a certain described tract of land within the Carson National Forest, N. Mex., having considered the same, report favorably thereon with the following amendments and with the recommendation that the bill, as amended, do pass.

On page 2, line 14, strike out the words "Secretary of Agriculture" and insert in lieu thereof "Secretary of the Interior".

Amend the title so as to read:

A bill to authorize the Secretary of the Interior to convey to Jose C. Romero all right, title, and interest of the United States in a certain described tract of land within the Carson National Forest, New Mexico.

The favorable reports of the Secretary of the Interior and the Secretary of Agriculture to the chairman of the committee, in explanation of the purpose of the bill, are hereinbelow set forth in full and made a part of this report.

DEPARTMENT OF THE INTERIOR,  
Washington 25, D. C., November 30, 1943.

HON. CARL A. HATCH,  
*Chairman, Committee on Public Lands and Surveys,  
United States Senate.*

MY DEAR SENATOR HATCH: Reference is made to your oral request of November 17 for a report on S. 1488, Seventy-eighth Congress, entitled "A bill to authorize the Secretary of Agriculture to convey to Jose C. Romero all right, title, and interest of the United States in a certain described tract of land within the Carson National Forest, N. Mex."

If the bill is amended as hereinafter suggested, I shall interpose no objection to its enactment.

The title to the land involved was accepted by this Department on February 7, 1927, in an exchange made pursuant to the act of June 7, 1924 (43 Stat. 643), which authorized the Secretary of the Interior on behalf of the United States to

accept title to any lands within the Las Trampas grant in New Mexico, if in the opinion of the Secretary of Agriculture the public interests would be benefited thereby and the lands were chiefly valuable for national forest purposes, and which authorized the Secretary of Agriculture to permit the grantor of such lands to cut and remove in exchange therefor, an equal value of timber within the national forests of the same State. Section 2 of the act directs that the lands involved that are not covered by the public land surveys shall be surveyed and platted by employees of the Forest Service and approved by the United States Surveyor General, now the Supervisor of Surveys, General Land Office.

The above-mentioned act definitely assigned to this Department for performance of those matters in the exchange which related to the fee title to the land involved, namely the identification of the land and the acquisition and recordation of the title thereto. This was and still is in harmony with the principle of section 453 of the Revised Statutes which provides that all executive duties appertaining to the surveying and sale of public lands and the issuance of patents for all grants of land under authority of the Government, shall be performed by the Commissioner of the General Land Office under the direction of the Secretary of the Interior. It was and still is also in harmony with section 1 of the act of February 1, 1905 (33 Stat. 628), which provides for the execution by the Department of the Interior of all laws affecting the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of lands in national forests. This localization of duties concerning the disposition, sale, surveying, patenting, or granting of title to lands of the Government has been and is essential to the orderly administration of the public land laws and is necessary in the current and efficient maintenance in one office of the record title to all lands emanating from and reverting to the United States.

In order that confusion of titles may be eliminated, duplication of effort avoided, and the system of recording acquisitions and dispositions of Government lands administered by this Department for more than 100 years may not be impaired, it is suggested that the bill be amended by striking from the caption and line 14 on page 2 the words "Secretary of Agriculture" and substituting therefor the words "Secretary of the Interior."

Since it is understood that S. 1488 is to be considered at an early date, it has not been possible to submit this report to the Bureau of the Budget, and, therefore, I have not been advised by that Bureau concerning the relationship of the proposed amendment to the program of the President.

Sincerely yours,

HAROLD L. ICKES,  
*Secretary of the Interior.*

DEPARTMENT OF AGRICULTURE,  
*Washington, November 18, 1943.*

The Honorable CARL A. HATCH,  
*Chairman, Committee on Public Lands,  
United States Senate.*

DEAR SENATOR HATCH: This is in reply to your request of November 1 for a report on S. 1488, a bill to authorize the Secretary of Agriculture to convey to Jose C. Romero all right, title, and interest of the United States in a certain described tract of land within the Carson National Forest, N. Mex. Enactment of the bill would enable the Secretary to quitclaim to Jose C. Romero the interest of the United States in 12,324 acres of land now a part of the Carson National Forest.

The tract under consideration was acquired by the United States as part of a 21,102.36-acre conveyance under a special act of June 7, 1924 (43 Stat. 643), providing for the acquisition of all lands within the Las Trampas grant as an addition to the Carson National Forest except certain tracts which were eliminated from the grant by court order of April 14, 1914. The eliminated tracts were deeded to the residents occupying and using the land and the remaining area transferred to the Las Trampas Lumber Co. In 1927 title to the Las Trampas grant, except as to the tracts previously eliminated, passed to the United States under the afore-mentioned act.

Mr. Romero's claim stems from his acquisition by deed of 8.8392 acres from J. R. Leyba who was one of the holders of the small claims within the grant which the court order of April 14, 1914, purported to eliminate. Apparently the tract which Mr. Leyba then occupied and later sold to Mr. Romero was overlooked

when those claims were surveyed, segregated, and deeded to the residents occupying and using the lands. Not having been eliminated from the grant, the tract occupied by Mr. Romero was conveyed to the United States along with the approximately 21,000 acres remaining.

Shortly after acquiring the lands Mr. Romero fenced the 8.8392 acres acquired from Mr. Leyba, including a portion of adjoining forest land. A survey by a forest engineer shows the area occupied by Mr. Romero in peaceful possession since 1917 to be 12.324 acres. It would be difficult to determine just what particular portion of the 12.324 acres which have been fenced actually was conveyed to Mr. Romero by deed from J. R. Leyba. Due to the fact that the tract is broken up by patches of cultivated land, it appears that no benefits would inure to the United States by retaining any portion of the area now under fence.

In view of the above-stated fact and the establishment by Mr. Romero of a major equitable interest in the entire 12.324 acres through purchase, use, and occupancy, the Department recommends passage of the bill which would make it possible for Mr. Romero to acquire a clear title to his holdings.

Passage of the proposed bill would not add to the cost of the administration of the Carson National Forest nor result in the disbursement of any additional funds from the Treasury.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Sincerely,

PAUL H. APPLEBY, *Under Secretary.*



